

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ERNIE MATA HERNANDEZ,

Defendant and Appellant.

F063560

(Super. Ct. No. VCF255212B)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Tulare County. Glade F. Roper, Judge.

Gordon B. Scott, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

-ooOoo-

---

\* Before Cornell, Acting P.J., Kane, J. and Detjen, J.

Appellant, Ernie Mata Hernandez, pled no contest to possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) and was ordered to participate in Recovery Court. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), we affirm.

### **FACTUAL AND PROCEDURAL HISTORY**

On July 19, 2011, at approximately 11:35 a.m., a Tulare County sheriff's deputy went to an address in Porterville to conduct a probation search. The deputy saw the probationer's car parked in front of a shed on the property and knocked on the door. After being invited in and walking inside, the deputy encountered three men, including Hernandez. Next to Hernandez, the deputy saw multiple lines of powdered methamphetamine on top of a mirror. As Hernandez and the other men turned away from him, the deputy drew his service weapon and ordered them to put their hands up and not move. Hernandez, however, placed a small rock of crystal methamphetamine near the mirror.

On July 21, 2011, the district attorney filed a complaint that, in pertinent part, charged Hernandez with possession of methamphetamine.

On July 25, 2011, Hernandez entered his no contest plea in this matter.

On August 8, 2011, after the court suspended imposition of judgment, it placed Hernandez on probation for three years and ordered him to participate in Recovery Court.

Hernandez's appellate counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*Wende, supra*, 25 Cal.3d 436.) However, in a letter filed October 10, 2012, Hernandez raises several factual issues that relate, albeit remotely, to his guilt or innocence.

A plea of no contest has the same legal effect as a guilty plea. (Pen. Code, § 1016, subd. 3.) "A guilty plea ... concedes that the prosecution possesses legally admissible evidence sufficient to prove defendant's guilt beyond a reasonable doubt. Accordingly, a

plea of guilty waives any right to raise questions regarding the evidence, including its sufficiency or admissibility, and this is true whether or not the subsequent claim of evidentiary error is founded on constitutional violations.” (*People v. Turner* (1985) 171 Cal.App.3d 116, 125.) Consequently, the factual issues Hernandez raises are not cognizable on appeal.

Further, following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

#### **DISPOSITION**

The judgment is affirmed.